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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COBALT PARTNERS, LP, et al.,)	Case No. 3:16-cv-02263-WHA
)	
Plaintiffs,)	STIPULATION AND PROPOSED
)	SCHEDULING ORDER
vs.)	
)	
SUNEDISON, INC., et al.,)	
)	
Defendants.)	
)	

[Caption continued on following page.]

1 GLENVIEW CAPITAL PARTNERS, L.P., et)
al.,)

2)
3 Plaintiffs,)

4 vs.)

5 SUNEDISON, INC., et al.,)

6 Defendants.)

7 OMEGA CAPITAL INVESTORS, L.P., et al.,)

8 Plaintiffs,)

9 vs.)

10 SUNEDISON, INC., et al.,)

11 Defendants.)

Case No. 3:16-cv-02264-WHA

Case No. 3:16-cv-02268-WHA

Pursuant to the Court's instruction during the August 18, 2016 hearing in the above-captioned actions, the parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on March 28, 2016, the action captioned *Cobalt Partners, LP, et al. v. SunEdison, Inc., et al.* ("Cobalt") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on March 29, 2016, the action captioned *Glenview Capital Partners, L.P., et al. v. SunEdison, Inc., et al.* ("Glenview") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on March 30, 2016, the action captioned *Omega Capital Investors, L.P., et al. v. SunEdison, Inc., et al.* ("Omega") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on April 26, 2016, defendants removed the *Cobalt*, *Glenview* and *Omega* actions to federal court;

WHEREAS, on August 12, 2016, defendants, pursuant to extensions of time previously agreed to by plaintiffs and granted by the Court, filed eight motions to dismiss the *Glenview* and *Omega* complaints and two joinders on a variety of grounds (*see Omega* Dkt. Nos. 118, 120, 121, 123, 125; *Glenview* Dkt. Nos. 129, 131, 133, 134, 136) (collectively, the "Motions");

WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, plaintiffs' responses to the Motions would be due by August 26, 2016, and defendants' replies would be due by September 2, 2016;

WHEREAS, the hearing on the Motions was set for September 22, 2016, a date on which plaintiffs' counsel is unavailable;

WHEREAS, in the *Cobalt* action, defendants' motion to dismiss is fully briefed, and on August 4, 2016, the Court entered an order postponing the hearing on the motion to dismiss until a date to be determined after resolution of the pending motions to remand and transfer;

WHEREAS, a hearing on motions to establish an MDL proceeding including the *Cobalt*, *Glenview* and *Omega* actions is set for September 29, 2016 in Washington D.C. and the hearing on motions to remand or transfer the *Terraform Global Inc. IPO* actions pending in front of Judge Freeman is set for October 6, 2016;

1 WHEREAS, due to the number and complexity of the issues raised in defendants' Motions
2 and in light of other pending or anticipated filings in these actions, plaintiffs have requested
3 additional time to prepare their responses to defendants' Motions; and

4 WHEREAS, the Court, at the August 18, 2016 hearing, said it would grant plaintiffs an
5 additional two weeks and defendants an additional one week to submit their opposition and reply
6 briefs on the Motions.

7 NOW THEREFORE, the parties hereby agree and stipulate to the following:

- 8 1. Plaintiffs' oppositions to the Motions shall be filed on or before September 9, 2016;
9 2. Defendants' replies in support of their Motions shall be filed on or before
10 September 23, 2016; and
11 3. The hearing on the motions to dismiss in the *Cobalt*, *Glenview* and *Omega* actions
12 shall be reset for October 13, 2016 or such other date as may be determined by the Court.

13 IT IS SO STIPULATED.

14 DATED: August 22, 2016

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Securities America Inc., SG Americas Securities,
LLC and Kotak Mahindra, Inc.

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 22, 2016.


THE HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE